

REMARKS

Reconsideration of this application, as amended, is respectfully requested.

Claims 1, 3-9, and 11-14 remain pending. Claims 1, 3-9, and 11-14 have been rejected.

Claims 1, 7, and 9 have been amended. No claims have been cancelled. No claims have been added. Support for the amendments is found in the specification, the drawings, and in the claims as originally filed. Applicants submit that the amendments do not add new matter. An RCE accompanies this Amendment.

Applicants reserve all rights with respect to applicability of Doctrine of Equivalents.

Claims 1 and 3-6 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,785,704 to McCanne et al. (“McCanne”) in view of “Host Anycasting Service” by Partridge et al. (“Partridge”) in further view of U.S. Patent No. 6,820,133 to Grove (“Grove”) in further view of U.S. Patent No. 6,687,731 to Kavak et al., (“Kavak”).

Amended claim 1 includes “mapping the URL to a corresponding anycast address for the information object, wherein the information object repository is selected according to specified performance metrics by mapping an address of the client to one or more addresses of information object repositories and to one or more addresses of routers that have a best type-of-service distance to the address of the client, wherein the mapping the address of the client to the one or more addresses of information object repositories and to the one or more addresses of routers is performed by executing a Web Information Locator by Distance (WILD) communication protocol between the routers that store type-of -service distances of one or more information object repositories and of one or more routers to an address of a client, wherein the routers communicate to each other at least the type-of-service distance from the information object repository to the address of the client, wherein the WILD communication protocol runs on top of a Transmission Control Protocol (TCP).” (emphasis added)

The Examiner acknowledged that McCanne “does not expressly disclose...(1) the resolving of the anycast address comprising sending an anycast resolution query to the anycast address according to an anycast resolution protocol; (2) mapping an address of the client to one or more addresses of routers that have a best type-of-service distance to the address of the client by executing a WILD communication protocol between the routers; and wherein the routers communicate to each other the type of service distance to the address of the client” (Office Action, p. 6).

Accordingly, McCanne fails to disclose mapping the address of the client to the one or more addresses of information object repositories and to the one or more addresses of routers by executing a Web Information Locator by Distance (WILD) communication protocol between the that store type-of -service distances of one or more information object repositories and of one or more routers to an address of a client, wherein the routers communicate to each other at least the type-of-service distance from the information object repository to the address of the client, wherein the WILD communication protocol runs on top of a Transmission Control Protocol (TCP), as recited in amended claim 1.

Partridge, in contrast, discloses host anycasting service, and also fails to disclose mapping the address of the client to the one or more addresses of information object repositories and to the one or more addresses of routers by executing a Web Information Locator by Distance (WILD) communication protocol between the routers that store type-of -service distances of one or more information object repositories and of one or more routers to an address of a client, wherein the routers communicate to each other at least the type-of-service distance from the information object repository to the address of the client, wherein the WILD communication protocol runs on top of a Transmission Control Protocol (TCP), as recited in amended claim 1.

Grove, in contrast, discloses the C-nodes that communicate with one another using a high-performance protocol (col. 5, lines 50-60). More specifically, Grove discloses estimating the network distance from the client to the C-node. (col. 7, lines 45-51). In contrast, amended claim 1 refers the routers that store type-of -service distances of one or more information object repositories and of one or more routers to an address of a client; and communicating between neighboring routers at least the type-of-service distance from the information object repository to the address of the client. Grove fails to disclose mapping the address of the client to the one or more addresses of information object repositories and to the one or more addresses of routers by executing a Web Information Locator by Distance (WILD) communication protocol between the routers that store type-of -service distances of one or more information object repositories and of one or more routers to an address of a client, wherein the routers communicate to each other at least the type-of-service distance from the information object repository to the address of the client, wherein the WILD communication protocol runs on top of a Transmission Control Protocol (TCP), as recited in amended claim 1.

Kavak, in contrast, discloses the following:

When a new replicated server connects to an anycast-group, the local router informs about the existence of the service as a part of its normal routing exchanges with the neighbouring routers. If the local router observes that a replicated server has stopped transmitting messages, also this negative information is transmitted to the neighbouring routers. Each of the neighbouring routers studies a distance value for the announced anycast-server, updates its tables based on this value, and forwards in its turn the updated information to its neighbours. Each router maintains knowledge at least of the route to the nearest anycast-servers and possibly a small list over alternative servers in case it is informed that the previous nearest server is down. In this way every router in the network will have the sufficient knowledge to route anycast-packets to the nearest server, but need not maintain a database over all anycast-servers in the network. If a client transmits a request for connection to the anycast-group, and if it is not a service in the local subnetwork, the local router forwards the packet to the nearest replicated server based on the current routing tables.

(Kavak, col. 5, lines 6-25)(emphasis added)

Thus, Kavak discloses forwarding the distance value for the announced anycast-server. In contrast, amended claim 1 refers to storing type-of -service distances of one or more information object repositories and of one or more routers to an address of a client; and communicating between neighboring routers at least the type-of-service distance from the information object repository to the address of the client.

Kovak fails to disclose mapping the address of the client to the one or more addresses of information object repositories and to the one or more addresses of routers by executing a Web Information Locator by Distance (WILD) communication protocol between the routers that store type-of -service distances of one or more information object repositories and of one or more routers to an address of a client, wherein the routers communicate to each other at least the type-of-service distance from the information object repository to the address of the client, wherein the WILD communication protocol runs on top of a Transmission Control Protocol (TCP), as recited in amended claim 1.

It is respectfully submitted that none of the references teach or suggest a combination with each other. It would be impermissible hindsight, based on applicants' own disclosure, to combine Kavak, McCanne 2, Partridge, and Grove.

Applicants respectfully submit that the rejection is the result of impermissible hindsight reconstruction, using applicants' claims as a frame while selecting components from four references to fill the gaps of this mosaic obviousness argument. See Interconnect Planning Corp. v. Feil, 774 F2d 1132, 1143 (Fed. Cir. 1985). Applicants respectfully submit that the motivation to combine components from these references is based upon impermissible hindsight gleaned only from applicants' disclosure and not from the references themselves.

Furthermore, even if Kavak, McCanne 2, Partridge, and Grove were combined, such a combination would still lack mapping the address of the client to the one or more addresses of

information object repositories and to the one or more addresses of routers by executing a Web Information Locator by Distance (WILD) communication protocol between the routers that store type-of-service distances of one or more information object repositories and of one or more routers to an address of a client, wherein the routers communicate to each other at least the type-of-service distance from the information object repository to the address of the client, wherein the WILD communication protocol runs on top of a Transmission Control Protocol (TCP), as recited in amended claim 1.

Therefore, applicants respectfully submit that claim 1, as amended, is not obvious under 35 U.S.C. § 103(a) by McCanne, in view of Partridge, and further in view of Grove.

Given that claims 3-6 depend from amended claim 1, applicants respectfully submit that claims 3-6 are not obvious under 35 U.S.C. § 103(a) over McCanne, in view of Partridge, and further in view of Grove.

Applicants respectfully submit that rejection of claims 1, and 3-6 under 35 U.S.C. § 102(e) is improper. MPEP states the following:

Normally, only one reference should be used in making a rejection under 35 U.S.C. 102. However, a 35 U.S.C. 102 rejection over multiple references has been held to be proper when the extra references are cited to: (A) Prove the primary reference contains an "enabled disclosure;" (B) Explain the meaning of a term used in the primary reference; or (C) Show that a characteristic not disclosed in the reference is inherent.

MPEP 2131.01 (emphasis added)

The Examiner acknowledged that McCanne "does not expressly disclose...(1) the resolving of the anycast address comprising sending an anycast resolution query to the anycast address according to an anycast resolution protocol; (2) mapping an address of the client to one or more addresses of routers that have a best type-of-service distance to the address of the client by executing a WILD communication protocol between the routers; and wherein the routers

communicate to each other the type of service distance to the address of the client” (Office Action, p. 6).

Because McCanne fails to teach all elements of amended claim 1, applicants respectfully submit that the Examiner’s rejection of claim 1 under 35 U.S.C. § 102(e) is improper.

Given that claims 3-6 depend from amended claim 1, and add additional limitations, applicants respectfully submit that the Examiner’s rejection of claims 3-6 under 35 U.S.C. § 102(e) is improper.

Claims 7-9, 11, 13 and 14 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Mcanne, in view of Partridge, in further view of Grove.

With respect to independent claim 7, the Examiner acknowledged that McCanne “does not expressly disclose...(1) the resolving of the anycast address comprising sending an anycast resolution query to the anycast address according to an anycast resolution protocol nor does he disclose (2) mapping an address of the client to one or more addresses of routers that have a best type-of-service distance to the address of the client by executing a WILD communication protocol between the routers” (Office Action, p. 10).

Amended claim 7 includes “a memory to store type of service distances from one or more information object repositories and from one or more routers to an address of a client; and a processor configured to map an address of the client to the one or more addresses of information object repositories and to the one or more addresses of routers by executing a Web Information Locator by Distance (WILD) communication protocol that includes communicating to neighboring routers first type-of-service distances from at least the one or more information object repositories to the address of the client and receiving, from the neighboring routers, second type-of-service distances from the at least one or more information object repositories to

the address of the client that runs on top of a Transmission Control Protocol (TCP).” (emphasis added)

As set forth above, McCanne fails to disclose a memory to store type of service distances from one or more information object repositories and from one or more routers to an address of a client; and a processor configured to map an address of the client to the one or more addresses of information object repositories and to the one or more addresses of routers by executing a Web Information Locator by Distance (WILD) communication protocol that includes communicating to neighboring routers first type-of-service distances from at least the one or more information object repositories to the address of the client and receiving, from the neighboring routers, second type-of-service distances from the at least one or more information object repositories to the address of the client that runs on top of a Transmission Control Protocol (TCP), as recited in amended claim 7.

Partridge, in contrast, discloses host anycasting service, and also fails to disclose a memory to store type of service distances from one or more information object repositories and from one or more routers to an address of a client; and a processor configured to map an address of the client to the one or more addresses of information object repositories and to the one or more addresses of routers by executing a Web Information Locator by Distance (WILD) communication protocol that includes communicating to neighboring routers first type-of-service distances from at least the one or more information object repositories to the address of the client and receiving, from the neighboring routers, second type-of-service distances from the at least one or more information object repositories to the address of the client that runs on top of a Transmission Control Protocol (TCP), as recited in amended claim 7.

As set forth above, Grove discloses estimating the network distance from the client to the C-node. (col. 7, lines 45-51). In contrast, amended claim 7 refers a memory to store type of

service distances from one or more information object repositories and from one or more routers to an address of a client; and a processor configured to map an address of the client to the one or more addresses of information object repositories and to the one or more addresses of routers by communicating to neighboring routers first type-of-service distances from at least the one or more information object repositories to the address of the client and receiving, from the neighboring routers, second type-of-service distances from the at least one or more information object repositories to the address of the client. Grove fails to disclose storing type of service distances from one or more information object repositories and from one or more routers to an address of a client; and communicating to neighboring routers first type-of-service distances from at least the one or more information object repositories to the address of the client and receiving, from the neighboring routers, second type-of-service distances from the at least one or more information object repositories to the address of the client, as recited in amended claim 7.

It is respectfully submitted that none of the references teach or suggest a combination with each other. It would be impermissible hindsight, based on applicants' own disclosure, to combine McCanne, Partridge, and Grove.

Applicants respectfully submit that the rejection is the result of impermissible hindsight reconstruction, using applicants' claims as a frame while selecting components from three references to fill the gaps of this mosaic obviousness argument. See Interconnect Planning Corp. v. Feil, 774 F2d 1132, 1143 (Fed. Cir. 1985). Applicants respectfully submit that the motivation to combine components from these references is based upon impermissible hindsight gleaned only from applicants' disclosure and not from the references themselves.

Furthermore, even if McCanne, Partridge, and Grove were combined, such a combination would still lack a memory to store type of service distances from one or more information object repositories and from one or more routers to an address of a client; and a processor configured to

map an address of the client to the one or more addresses of information object repositories and to the one or more addresses of routers by communicating to neighboring routers first type-of-service distances from at least the one or more information object repositories to the address of the client and receiving, from the neighboring routers, second type-of-service distances from the at least one or more information object repositories to the address of the client.

Therefore, applicants respectfully submit that claim 7, as amended, is not obvious under 35 U.S.C. § 103(a) over McCanne, in view of Partridge, and further in view of Grove.

Given that claim 8 depends from amended claim 7, applicants respectfully submit that claim 8 is not obvious under 35 U.S.C. § 103(a) by McCanne, in view of Partridge, and further in view of Grove.

Amended claim 9 includes “a plurality of routers having storage means for storing type-of-service distances from one or more information object repositories and from one or more routers to an address of a client; and an information object repository configured to map the address of the client to the one or more addresses of information object repositories and to the one or more addresses of the routers is performed by executing a Web Information Locator by Distance (WILD) communication protocol between the routers, wherein the routers communicate to each other at least the type-of-service distance from the information object repository to the address of the client, wherein the WILD communication protocol runs on top of a Transmission Control Protocol (TCP).”(emphasis added).

As set forth above, McCanne fails to disclose a plurality of routers having storage means for storing type-of-service distances from one or more information object repositories and from one or more routers to an address of a client; and an information object repository configured to map the address of the client to the one or more addresses of information object repositories and to the one or more addresses of the routers by executing a Web Information Locator by Distance

(WILD) communication protocol between the routers, wherein the routers communicate to each other at least the type-of-service distance from the information object repository to the address of the client, wherein the WILD communication protocol runs on top of a Transmission Control Protocol (TCP), as recited in amended claim 9.

Partridge, in contrast, discloses host anycasting service, and also fails to disclose a memory to store a plurality of routers having storage means for storing type-of-service distances from one or more information object repositories and from one or more routers to an address of a client; and an information object repository configured to map the address of the client to the one or more addresses of information object repositories and to the one or more addresses of the routers by executing a Web Information Locator by Distance (WILD) communication protocol between the routers, wherein the routers communicate to each other at least the type-of-service distance from the information object repository to the address of the client, wherein the WILD communication protocol runs on top of a Transmission Control Protocol (TCP), as recited in amended claim 9.

As set forth above, Grove discloses estimating the network distance from the client to the C-node. (col. 7, lines 45-51). In contrast, amended claim 9 refers to a plurality of routers having storage means for storing type-of-service distances from one or more information object repositories and from one or more routers to an address of a client; and mapping the address of the client to the one or more addresses of information object repositories and to the one or more addresses of the routers by executing a Web Information Locator by Distance (WILD) communication protocol between the routers, wherein the routers communicate to each other at least the type-of-service distance from the information object repository to the address of the client. Grove fails to disclose a plurality of routers having storage means for storing type-of-service distances from one or more information object repositories and from one or more routers

to an address of a client; and mapping the address of the client to the one or more addresses of information object repositories and to the one or more addresses of the routers by executing a Web Information Locator by Distance (WILD) communication protocol between the routers, wherein the routers communicate to each other at least the type-of-service distance from the information object repository to the address of the client, as recited in amended claim 9.

It is respectfully submitted that none of the references teach or suggest a combination with each other. It would be impermissible hindsight, based on applicants' own disclosure, to combine McCanne, Partridge, and Grove.

Applicants respectfully submit that the rejection is the result of impermissible hindsight reconstruction, using applicants' claims as a frame while selecting components from three references to fill the gaps of this mosaic obviousness argument. See Interconnect Planning Corp. v. Feil, 774 F2d 1132, 1143 (Fed. Cir. 1985). Applicants respectfully submit that the motivation to combine components from these references is based upon impermissible hindsight gleaned only from applicants' disclosure and not from the references themselves.

Furthermore, even if McCanne, Partridge, and Grove were combined, such a combination would still lack a plurality of routers having storage means for storing type-of-service distances from one or more information object repositories and from one or more routers to an address of a client; and mapping the address of the client to the one or more addresses of information object repositories and to the one or more addresses of the routers by executing a Web Information Locator by Distance (WILD) communication protocol between the routers, wherein the routers communicate to each other at least the type-of-service distance from the information object repository to the address of the client. Grove fails to disclose a plurality of routers having storage means for storing type-of-service distances from one or more information object repositories and from one or more routers to an address of a client; and mapping the address of the client to the

one or more addresses of information object repositories and to the one or more addresses of the routers by executing a Web Information Locator by Distance (WILD) communication protocol between the routers, wherein the routers communicate to each other at least the type-of-service distance from the information object repository to the address of the client, as recited in amended claim 9.

Therefore, applicants respectfully submit that claim 9, as amended, is not obvious under 35 U.S.C. § 103(e) by McCanne, in view of Partridge, and further in view of Grove.

Given that claims 11, 13, and 14 depend from amended claim 9, and add additional limitations, applicants respectfully submit that claims 11, 13, and 14 are not obvious under 35 U.S.C. § 103(a) over McCanne, in view of Partridge, and further in view of Grove.

Applicants respectfully submit that rejection of claims 7-9, 11, 13, and 14 under 35 U.S.C. § 102(e) is improper. MPEP states the following:

Normally, only one reference should be used in making a rejection under 35 U.S.C. 102. However, a 35 U.S.C. 102 rejection over multiple references has been held to be proper when the extra references are cited to: (A) Prove the primary reference contains an "enabled disclosure;" (B) Explain the meaning of a term used in the primary reference; or (C) Show that a characteristic not disclosed in the reference is inherent.

MPEP 2131.01 (emphasis added)

With respect to independent claim 7, the Examiner acknowledged that McCanne "does not expressly disclose...(1) the resolving of the anycast address comprising sending an anycast resolution query to the anycast address according to an anycast resolution protocol nor does he disclose (2) mapping an address of the client to one or more addresses of routers that have a best type-of-service distance to the address of the client by executing a WILD communication protocol between the routers" (Office Action, p. 10).

As set forth above, because McCanne fails to teach all elements of independent claims 7 applicants respectfully submit that the Examiner's rejection of claim 7 under 35 U.S.C. § 102(e) is improper.

With respect to independent claim 9, for similar reasons set forth above with respect to amended claim 1, applicants respectfully submit that the Examiner's rejection of claim 9 under 35 U.S.C. § 102(e) is improper.

Given that claims 8, 11, 13 and 14 contain limitations that are similar to those limitations set forth with respect to amended claim 7 or 9, applicants respectfully submit that the Examiner's rejection of claims 8, 11, 13 and 14 under 35 U.S.C. § 102(e) is improper.

Applicants respectfully request the Examiner to withdraw the rejection of claims 7-9, 11, 13 and 14 under 35 U.S.C. § 102(e) over McCanne, Patridge, and Grove.

It is respectfully submitted that in view of the amendments and arguments set forth herein, the applicable rejections and objections have been overcome. If there are any additional charges, please charge Deposit Account No. 022666 for any fee deficiency that may be due.

Respectfully submitted,

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